

REMARKS

In the March 22, 2005 Office Action, all of claims 1-26 stand rejected in view of prior art. No other objections or rejections are made in the Office Action.

Status of Claims and Amendments

In response to the March 22, 2005 Office Action, Applicants have amended the specification and claims 5-6 and 10-11 as indicated above to correct typographical errors. Thus, claims 1-26 are pending, with claims 1, 9, 14, and 20 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Specification

Applicants have found typographical errors in the specification upon review thereof. Accordingly, Applicants wish to amend the specification to correct the typographical errors. Applicants believe that the specification is now correct and complies with 37 CFR §1.71 and §1.75(d)(1).

Rejections - 35 U.S.C. § 103

On pages 2 and 3 of the Office Action, claims 1-26 appear to stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,805,639 to Martin ("Martin patent") in view of U.S. Patent No. 5,832,700 to Kammler et al. ("Kammler patent"). In response, Applicants respectfully traverse the rejections.

Claims 1-13

Regarding claims 1 and 9, Applicants believe that the prior art of record does not disclose or suggest the setting means and the sorting means of the present invention. More specifically, Applicants believe that the Martin patent and the Kammler patent do not disclose or suggest the sorting of *flavored articles* based on the quantity of the flavored articles and the threshold value, which is set based on the quantity of the *unflavored articles*.

The weighing and flavoring system of claims 1 and 9 of the present invention checks the adequacy of flavoring by measuring the quantity (such as weight) of articles before and after the flavoring. In the language of claim 1 of the present invention, the measurer measures the quantity of articles before the articles are flavored, while the check measurer measures the quantity of flavored articles. The threshold value is determined based on the quantity of the unflavored articles. Thus, when the sorting unit sorts the flavored articles

based on the threshold value and the quantity of the flavored articles, the sorting unit is in fact sorting the flavored articles by *comparing the quantity of the flavored articles with that of the unflavored articles*. Applicants believe that the Martin patent and the Kammler patent do not disclose or suggest the comparison of the quantity of the flavored articles with that of the unflavored articles.

Regarding the Martin patent, the Office Action on page 2 acknowledges that it does not show or disclose a means for checking the quantity of flavored articles. Since claims 1 and 9 require that the quantity of the flavored articles be measured, the Martin patent does not disclose or suggest the arrangement of claims 1 and 9.

Regarding the Kammler patent, the Office Action asserts that setting of the threshold value based on the quantity of articles, based on the description in column 4, lines 27-31. However, Applicants believe that the threshold value of the Kammler patent is determined based on the weight of *flavored articles, not unflavored articles* as required by claim 1. In fact, the Kammler patent only shows one type of product; there is no disclosure or suggestion of the use of flavored and unflavored articles in the Kammler patent. Therefore, the Kammler patent does not disclose or suggest the sorting of the flavored articles based on the quantities of both the flavored articles and the unflavored articles as required by claims 1 and 9, whether taken singularly or in combination with the Martin patent.

Claims 14-26

Regarding claims 14 and 20, Applicants believe that the prior art of record does not disclose or suggest adjustment of the additive dispenser based on the combined weight of the package, the articles, and the additives.

Discussion of the Martin patent has been advanced above. The Office Action on page 2 acknowledges that it does not show or disclose a means for checking the quantity of flavored articles. Since claims 14 and 20 require that the combined weight of the articles and the additives be obtained, the Martin patent does not disclose or suggest the arrangement of claims 14 and 20.

Regarding the Kammler patent, the adjustment based on the weight is performed to adjust the amount of dosing. As discussed above, the Kammler patent does not disclose or suggest that the product to be dosed has any additives attached thereto. Accordingly, there is no disclosure or suggestion in the Kammler patent that the amount of additive is adjusted

based on the combined weight of the article, the additive, and the package. Therefore, Applicants believe that the Martin patent and the Kammler patent do not disclose or suggest the adjustment of the quantity of additive based on the combined weight of the package, the articles and the additives, as required by claims 14 and 20, whether taken singularly or in combination with the Martin patent.

In view of the above comments, Applicants believe that the Martin patent and the Kammler patent do not disclose or suggest the arrangements of claims 1, 9, 14, and 20.

Moreover, Applicants believe that dependent claims 2-8, 10-13, 15-19, and 21-26 are also allowable over the prior art of record in that they depend from independent claims 1, 9, 14, and 20, and therefore are allowable for the reasons stated above. Claims 5-6 and 10-11 have been amended in this embodiment only to correct typographical errors. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claims 1, 9, 14, and 20, the prior art of record also fails to disclose or suggest the inventions as set forth in dependent claims 2-8, 10-13, 15-19, and 21-26.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

Prior Art Citation

In the Office Action, additional prior art references are made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-26 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

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Respectfully submitted,



Kiyoe K. Kabashima
Reg. No. 54,874

SHINJYU GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
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